

Sec. 309.8. Racetrack License Fees

(a)-(b) (No change.)

(c) Annual License Fee.

~~[(1) Active License Fee for State Fiscal Year Ending August 31, 2007. An association that is licensed and that is conducting live racing or simulcasting shall pay an annual active license fee. The fee is due to the Commission on April 16, 2007, for the State fiscal year ending August 31, 2007. The active license fee for a greyhound racing association is \$80,000. The active license fee for a horse racing association is:]~~

~~[(A) for a Class 1 racetrack, \$27,500;]~~

~~[(B) for a Class 2 racetrack, \$15,000; and]~~

~~[(C) for a Class 3 or 4 racetrack, \$5,000.]~~

(1) ~~[(2)]~~ Active License Fee for State Fiscal Years Beginning September 1, 2007, and thereafter. An association that is licensed and that is conducting live racing or simulcasting shall pay an annual active license fee. The fee is due to the Commission on January 31 of each State fiscal year. The active license fee for a greyhound racing association is \$175,000. The active license fee for a horse racing association is:

(A) for a Class 1 racetrack, \$45,000;

(B) for a Class 2 racetrack, \$15,000; and

(C) for a Class 3 or 4 racetrack, \$5,000.

(2) ~~[(3)]~~ Inactive License Fee for State Fiscal Year Ending August 31, 2009~~[7]~~. An association that is licensed but is not conducting live racing or simulcasting shall pay an inactive license fee in two separate payments. The fee is due to the Commission on September 1, 2008 and March 15, 2009 ~~[April 16, 2007]~~, for the State fiscal year ending August 31, 2009~~[7]~~. The total inactive license fee for a greyhound racing association is \$150,000 ~~[\$125,000]~~ to be paid \$125,000 on September 1, 2008 and \$25,000 on March 15, 2009. The total inactive license fee for a horse racing association is:

(A) \$150,000 for a Class 1 racetrack, to be paid \$125,000 on September 1, 2008 and \$25,000 on March 15, 2009 ~~[\$125,000];~~

(B) \$100,000 for a Class 2 racetrack, to be paid \$75,000 on September 1, 2008 and \$25,000 on March 15, 2009 ~~[\$55,000]; and~~

(C) \$50,000 for a Class 3 or 4 racetrack, to be paid \$25,000 on September 1, 2008 and \$25,000 on March 15, 2009 ~~[\$25,000].~~

1 (3)~~(4)~~ Inactive License Fee for State Fiscal Years
2 Beginning September 1, 2009~~(7)~~, and thereafter. An
3 association that is licensed but is not conducting live
4 racing or simulcasting shall pay an inactive license fee.
5 The fee is due to the Commission on September 1 of each
6 year. The inactive license fee for a greyhound racing
7 association is \$150,000~~[\$125,000]~~. The inactive license fee
8 for a horse racing association is:

9 (A) for a Class 1 racetrack, \$150,000~~[\$125,000]~~;

10 (B) for a Class 2 racetrack, \$100,000~~[\$75,000]~~;

11 and

12 (C) for a Class 3 or 4 racetrack, \$50,000
13 ~~[\$25,000]~~.

14 (d)-(e) (No change.)

**309.11. Fees for Requests to Approve a Transfer of
Pecuniary Interests**

(a) General Provisions. A license holder who requests Commission approval to transfer a pecuniary interest in a racetrack license must submit with the request a fee in an amount set by the Commission.

(b) Fees.

(1) The request fee is composed of a variable processing charge and investigation charge. The processing charge is the amount needed by the Commission to cover the administrative costs of processing the request. The investigation charge is the amount needed by the Commission to cover the costs incurred by the Department of Public Safety and Commission staff for conducting the background investigation on the proposed transferee. A license holder must pay all charges contemporaneously with filing the request. The Commission will take no action on a request under this section unless the requestor submits the total amount of the request fee with the request. The Commission shall hold the request fee in the state treasury in a suspense account. The Commission may transfer the processing funds due to the Commission to the Texas Racing Commission Fund as costs are incurred. If the actual costs to the Commission of processing the request or conducting the investigation exceed the amount deposited for the applicable charge, the requestor shall pay the remaining amount not later than 10 business days after receipt of a bill from the Commission. If the costs of processing the request or conducting the investigation are less than the amount of the charge, the Commission shall refund the excess not later than 10 business days after the Commission's decision on the request becomes final.

(2) The fees for a request for Commission approval to approve a transfer of pecuniary interests in a racetrack license that effects a change in the controlling interest of that license are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is:

- (i) for a Class 1 racetrack, \$50,000;
- (ii) for a Class 2 racetrack, \$25,000;
- (iii) for a Class 3 racetrack, \$10,000; and
- (iv) for a Class 4 racetrack, \$2,500.

(B) The amount to be deposited for the investigation charge for a horse racetrack request is:

- (i) for a Class 1 racetrack, \$25,000;

(ii) for a Class 2 racetrack, \$10,000;

(iii) for a Class 3 racetrack, \$1,500; and

(iv) for a Class 4 racetrack, \$1,000.

(C) The amount to be deposited for the processing charge for a greyhound racetrack request is \$50,000.

(D) The amount to be deposited for the investigation charge for a greyhound racetrack request is \$25,000.

(3) The fees for a request for Commission approval to approve a transfer of pecuniary interests of 5.0% or more in a racetrack license, but that does not effect a change in the controlling interest of that license, are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is:

(i) for a Class 1 racetrack, \$500;

(ii) for a Class 2 racetrack, \$250;

(iii) for a Class 3 racetrack, \$100; and

(iv) for a Class 4 racetrack, \$50.

(B) For each proposed transfer of pecuniary interests of 5.0% or more, tThe amount to be deposited for the investigation charge for a horse racetrack request is:

(i) for a Class 1 racetrack, \$1,000;

(ii) for a Class 2 racetrack, \$500;

(iii) for a Class 3 racetrack, \$250; and

(iv) for a Class 4 racetrack, \$125.

(C) The amount to be deposited for the processing charge for a greyhound racetrack request is \$500.

(D) The amount to be deposited for the investigation charge for a greyhound racetrack license request is \$1,000.

(4) The fees for a request for Commission approval to approve a transfer of pecuniary interests of more than 1.0% and less than 5.0% in a racetrack license and that does not effect a change in the controlling interest of that license are as follows:

(A) The amount to be deposited for the processing charge for a horse racetrack request is:

(i) for a Class 1 racetrack, \$100;

(ii) for a Class 2 racetrack, \$100;

(iii) for a Class 3 racetrack, \$50; and

(iv) for a Class 4 racetrack, \$25.

(B) For each proposed transfer of pecuniary interests of more than 1.0% and less than 5.0%, tThe amount

1 to be deposited for the investigation charge for a horse
2 racetrack request is:

3 (i) for a Class 1 racetrack, \$500;

4 (ii) for a Class 2 racetrack, \$250;

5 (iii) for a Class 3 racetrack, \$125; and

6 (iv) for a Class 4 racetrack, \$50.

7 (C) The amount to be deposited for the processing
8 charge for a greyhound racetrack request is \$100.

9 (D) The amount to be deposited for the
10 investigation charge for a greyhound racetrack request is
11 \$500.

12 (5) The fees for a request for Commission approval to
13 approve a transfer of pecuniary interests of 1.0% or less
14 in a racetrack license and that does not effect a change in
15 the controlling interest of that license are as follows:

16 (A) The amount to be deposited for the processing
17 charge for a horse racetrack request is \$25.

18 (B) For each proposed transfer of pecuniary
19 interests of 1.0% or less, the amount to be deposited for
20 the investigation charge for a horse racetrack request is
21 \$50.

22 (C) The amount to be deposited for the processing
23 charge for a greyhound racetrack request is \$25.

24 (D) The amount to be deposited for the
25 investigation charge for a greyhound racetrack request is
26 \$50.

1 **Sec. 309.12. Fees for Requests to Approve Change of**
2 **Location**

3 (a) General Provisions. A license holder who requests
4 Commission approval to change the location of a racetrack
5 license must submit with the request a fee in an amount set
6 by the Commission.

7 (b) Fees.

8 (1) The request fee is composed of a variable
9 processing charge. The processing charge is the amount
10 needed by the Commission to cover the administrative costs
11 of processing the request. A license holder must pay all
12 charges contemporaneously with filing the request. The
13 Commission will take no action on a request under this
14 section unless the requestor submits the total amount of
15 the request fee with the request. The Commission shall hold
16 the request fee in the state treasury in a suspense
17 account. The Commission may transfer the processing funds
18 due to the Commission to the Texas Racing Commission Fund
19 as costs are incurred. If the actual cost to the Commission
20 of processing the request exceeds the amount deposited for
21 the applicable charge, the requestor shall pay the
22 remaining amount not later than 10 business days after
23 receipt of a bill from the Commission. If the costs of
24 processing the request are less than the amount of the
25 charge, the Commission shall refund the excess not later
26 than 10 business days after the Commission's decision on
27 the request becomes final.

28 (2) The fees for a request for Commission approval to
29 change the location of a racetrack license are as follows:

30 (A) The amount to be deposited for the processing
31 charge for a horse racetrack request is:

32 (i) for a Class 1 racetrack, \$100,000;

33 (ii) for a Class 2 racetrack, \$50,000;

34 (iii) for a Class 3 racetrack, \$15,000; and

35 (iv) for a Class 4 racetrack, \$7,500.

36 (B) The amount to be deposited for the processing
37 charge for a greyhound racetrack request is \$100,000.

1 **Sec. 311.5. License Fees.**

2 (a)-(b) (No change.)

3 (c) The fee for an occupational license is as follows:

Type of License	1 Year Fee	2 Year Fee	3 Year Fee
Adoption Program Personnel	<u>\$25</u> [\$20]		
Announcer	<u>\$35</u> [\$25]		
Apprentice Jockey	<u>\$75</u> [\$55]		
Assistant Farrier/Plater/Blacksmith	<u>\$25</u> [\$20]		
Assistant Starter	<u>\$25</u> [\$20]		
Assistant Trainer	<u>\$100</u> [\$75]		
Assistant Trainer/Owner	<u>\$100</u> [\$75]		
Association Assistant Management	<u>\$50</u> [\$35]		
Association Management Personnel	<u>\$75</u> [\$50]		
Association Officer/Director	<u>\$100</u> [\$75]		
Association Other	<u>\$75</u> [\$50]		
Association Staff	<u>\$35</u> [\$25]		
Association Veterinarian	<u>\$75</u> [\$50]		
Authorized Agent	<u>\$15</u> [\$10]		
Chaplain	<u>\$25</u> [\$20]		
Chaplain Assistant	<u>\$25</u> [\$20]		
Exercise Rider	<u>\$25</u> [\$20]		
Farrier/Plater/Blacksmith	<u>\$75</u> [\$55]		
Groom/Hot Walker	<u>\$25</u> [\$20]		
Jockey	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]

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Jockey Agent	<u>\$100</u> [\$75]		
Kennel	<u>\$75</u> [\$50]		
Kennel Helper	<u>\$25</u> [\$20]		
Kennel Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Owner-Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Kennel Owner/Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Lead-Out	<u>\$25</u> [\$20]		
Maintenance	<u>\$35</u> [\$20]		
Medical Staff	<u>\$35</u> [\$25]		
Miscellaneous	<u>\$25</u> [\$20]		
Multiple Owner	<u>\$35</u> [\$25]	<u>\$70</u> [\$50]	<u>\$100</u> [\$75]
Mutuel Clerk	<u>\$35</u> [\$25]		
Mutuel Other	<u>\$35</u> [\$25]		
Owner	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Owner-Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Pony Person	<u>\$25</u> [\$20]		
Racing Industry Representative	<u>\$100</u> [\$75]		
Racing Industry Staff	<u>\$30</u> [\$25]		
Racing Official	<u>\$50</u> [\$25]		
Security Officer	<u>\$30</u> [\$25]		
Stable Foreman	<u>\$50</u> [\$25]		

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Tattooer	<u>\$100</u> [\$75]		
Test Technician	<u>\$25</u> [\$20]		
Tooth Floater	<u>\$100</u> [\$75]		
Trainer	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Training Facility Employee	<u>\$30</u> [\$25]		
Training Facility General Manager	<u>\$50</u> [\$25]		
Valet	<u>\$25</u> [\$20]		
Vendor Concessionaire	<u>\$100</u> [\$75]		
Vendor/Concessionaire Employee	<u>\$30</u> [\$25]		
<u>Vendor Totalisator</u>	<u>\$500</u>		
<u>Vendor/ Totalisator Employee</u>	<u>\$50</u>		
Veterinarian	<u>\$100</u> [\$75]	<u>\$200</u> [\$150]	<u>\$300</u> [\$225]
Veterinarian Assistant	<u>\$30</u> [\$25]		

Sec. 311.104. Trainers.

(a) Licensing.

(1) Except as otherwise provided by this subsection, a trainer must obtain a trainer's license before the trainer may enter a horse or greyhound in a race. A trainer may enter a horse or greyhound in a stakes race without first obtaining a license, but must obtain a license before the horse or greyhound may start in the stakes race. Except as otherwise provided by this section, to be licensed by the Commission as a trainer, a person must:

(A) be at least 18 years old;

(B) interview with the board of stewards or judges;

(C) submit a minimum of two written statements from licensed trainers, owners, or kennel owners, attesting to the applicants' character and qualifications;

(D) ~~[(B)]~~ satisfactorily complete a written examination prescribed by the Commission; and

(E) ~~[(C)]~~ satisfactorily complete a practical examination prescribed by the Commission and administered by the stewards or racing judges or designee of the stewards or racing judge.

(2) The standard for passing the written examination must be printed on the examination. A \$50 non-refundable testing fee is assessed for administering the written and practical examinations. The fee is due and payable at the time the first examination appointment is scheduled. A minimum of 48 hours advance notice is required to reschedule an examination appointment without loss of the testing fee. An applicant who fails to timely reschedule an examination appointment must pay a new testing fee to reschedule the appointment. An applicant who fails the written examination may not take the examination again before the 60th day after the date the applicant failed the examination. An applicant who fails the practical examination may not reschedule the practical examination again before the 180th day after the applicant failed the practical examination. An applicant who fails the practical examination for a second time may not reschedule another practical examination for 365 calendar days after the day the applicant failed the second practical examination and the applicant must pay an additional \$50 non-refundable testing fee. The Commission may waive the requirement of a written and/or practical examination for a person who has a current license issued by another pari-mutuel racing jurisdiction. If a person for whom the examination requirement was waived demonstrates an inability to adequately perform the duties of a trainer, through excessive injuries, rulings, or other behavior, the stewards or racing judges may

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1 require the person to take the written examination. If such a
2 person fails the examination, the stewards or racing judges
3 shall suspend the person's license for 60 days with
4 reinstatement contingent upon passing the written examination.

5 (3)-(4) (No change.)

6 (b)-(k) (No change.)

7

Title 16, Part VIII

Chapter 315. Officials and Rules for Greyhound Racing

Subchapter A. Officials

Division 1. Appointment of Officials

POSTED VERSION

1 **315.1. Required Officials**

2 (a) The following officials must be present at each
3 greyhound race conducted in this state:

4 (1) at least two [~~three~~] racing judges;

5 (2) a commission veterinarian;

6 (3) an association veterinarian;

7 (4) a racing secretary;

8 (5) an assistant racing secretary;

9 (6) a paddock judge;

10 (7) a starter;

11 (8) a clerk of scales;

12 (9) a mutuel manager;

13 (10) a chart writer;

14 (11) a photofinish operator and timer;

15 (12) a kennel master; and

16 (13) a mechanical lure operator.

17 (b)-(c) (No change.)

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Subchapter D. Greyhound Racetracks
Facilities and Equipment

315.1. Required Officials

(a) The following officials must be present at each greyhound race conducted in this state:

- (1) three racing judges;
- (2) a commission veterinarian;
- (3) an association veterinarian;
- (4) a racing secretary;
- (5) an assistant racing secretary;
- (6) a paddock judge;
- (7) a starter;
- (8) a clerk of scales;
- (9) a mutuel manager;
- (10) a chart writer;
- (11) a photofinish operator and timer;
- (12) a kennel master; ~~and~~
- (13) a mechanical lure operator;
- (15) a track superintendent; and
- (16) a brakeman.

(b)-(c) (No change.)

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309.355. Grading System

(a)-(b) (No change.)

(c) The racing secretary shall use seven grades of AA, A, B, C, J, D, and M. Grade M is for maidens of any age and Grade J is for winning maidens.

(d)-(e) (No change.)

(f) The racing secretary shall advance a greyhound that wins a maiden race to Grade J. The racing secretary shall advance a greyhound that wins a Grade J race to Grade C. On request by a kennel owner or trainer, the racing secretary may regrade ~~advance~~ a greyhound that finishes second, third, or fourth in a maiden or a Grade J race to Grade D or C. For a greyhound regraded on request under this subsection, an association shall place the letter "M" or "J" after the greyhound's name in the racing program.

(g)-(n) (No change.)

~~(o) A greyhound that has advanced from Grade M and has been dropped from further racing without winning another official start may be requalified after a period of 30 days.~~

(o)(p) If a maiden fails to finish in the top four positions in six consecutive starts, the maiden may not race again at the race meeting until it requalifies. If the maiden fails to finish in the top four positions in the two starts after requalifying, the maiden may not race again at the race meeting.

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309.363. Official Program

(a) (No change.)

(b) The official program must contain at least two past performances for each greyhound scheduled to race. The program must also contain, for each greyhound scheduled to race:

(1) the name;

(2) color;

(3) sex;

(4) date of whelping;

(5) breeding;

(6) established racing weight;

(7) number of starts in official races;

(8) number of times finishing first, second, and third;

(9) name of owner and lessee, if applicable;

(10) name of trainer; ~~and~~

(11) the Texas-bred emblem if the greyhound is an

Accredited Texas-bred; and

(12) other information to enable the public to properly judge the greyhound's ability.

(c) (No change.)

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1 **309.307. Lures**

2 An association shall provide an inside dual equipped lure with
3 an extendable arm and an audible squawker at the escape.

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1 **315.43. Track Superintendent.**

2 The track superintendent shall ensure that the racetrack is
3 properly maintained. The track superintendent shall ensure that
4 all track equipment is operable for all races and during
5 training hours.

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- 1 **315.44. Brakeman.**
- 2 The brakeman shall ensure that the lure is stopped on the
- 3 designated revolution on the racetrack at the end of each race.

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May 14, 2009

Texas Racing Commission
Ms. Charla Ann King
Executive Director
P. O. Box 12080
Austin, TX 78711-2080

Re: Proposed Amendment to Texas Racing Commission (TxRC) Rules of Horse Racing, Subsection 313.504(h)(2)

Dear Ms. King:

Please accept this letter as my formal request to amend Subsection 313.504(h)(2) of the TxRC Rules of Horse Racing to read as follows (words in bold letters added):

(h) A training facility licensee may not:

(1) conduct a race at its facility; or

(2) allow its facility to be used for a race **(on days when official workouts are conducted at the training facility.)**

Because of the tremendous need for resuming official workouts in the Rio Grande Valley, I suggest that this amendment to Rule 313.504(h)(2) be effective as soon as administratively feasible, but no later than July 1, 2009.

Delta Training Center was granted a license by the TxRC to conduct official workouts effective February 24, 2009. We conducted over 60 workouts on that first day of official workouts, and a total of 487 official workouts through April 16, 2009, the last day that official workouts were authorized by the TxRC.

On Wednesday April 8th, I received a telephone call from John Ferrara asking me if I was going to conduct racing at Delta Training Center on Saturday, April 11, 2009. I responded that I was not going to conduct any racing, but that my nephew, who is the person who leased the facility from the owner, was going to conduct racing at the facility on that day. Mr. Ferrara proceeded to inform me that horse racing at a training facility was prohibited by TxRC rules. I informed Mr. Ferrara that I had subleased the track portion of the facility from my nephew for

use on Monday through Thursday to conduct official workouts and that I had complete control of the track on those days and that I would not conduct any racing nor allow the facility to be used for a race on any of those days, but that my nephew had control of the entire facility, including the track, from Friday through Sunday, and that I could not control, nor limit, the kinds of events/functions he sponsored or allowed at the facility on those days.

When I first conceived of the idea of looking into the feasibility of applying for a training facility license, I was already familiar with Section 313.504(h) of the TxRC Commission Rules of Horse Racing; however, my understanding of this rule was that it applied only to days when official workouts were conducted at the training facility. And I can assure you without any reservation, that on the days that official workouts were conducted at Delta Traing Center, I never personally conducted a race, nor allowed the facility to be used for a race.

Before Delta Training Center was granted a license to conduct official workouts, and since April 16, 2009, when workouts were suspended pending resolution of this issue, the horsemen throughout the Rio Grande Valley and south Texas have had to endure tremendous hardships in order to obtain official workouts for their horses. We have over 600 horses in training throughout the Rio Grande Valley and It is a great injustice to require our horsemen to bear the expense, inconvenience, and danger of hauling their horses great distances in order to obtain official workouts. As there are no other licensed training facilities in the Rio Grande Valley, passage of this proposed amendment to Subsection 313.504 (h)(2) of the TxRC rules of racing will allow Delta Taining Center to resume official workouts locally for the benefit of the horsemen of the Rio Grande Valley, while maintaining the integrity of the workouts by prohibiting racing on days when official workouts are conducted. Approval of this amendment will have absolutely no negative impact on the state, units of local government, or small businesses; but will have a very positive impact on our horsemen and on horse racing in Texas. In fact, if it weren't for our Valley horses, many races in Texas would not even be run because there would not be enough horses to fill all the races.

Thank you for your help and consideration in working with Delta Training Center to resolve this issue in a manner favorable to our horsemen here in the Valley and throughout south Texas. I am optimistic that in the very near future our horsemen will again be able to obtain official workouts locally and no longer have to experience the extreme cost, danger, and inconvenience of having to haul their horses great distances in order to obtain official workouts.

Please let me know if you need any additional information/documentation from me.

Sincerely,



Manuel B. Gonzalez Jr.
General Manager